

Original sponsor: Judiciary Committee
by request

Offered: 4/14/76
For Today's Calendar

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 296 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Integrated Bar Act; and
7 amending Rule 2 of Part I of the Alaska Bar Rules."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08.08.020 is amended to read:

10 Sec. 08.08.020. [ACTIVE] MEMBERS. (a) Every person licensed to
11 practice law in the state shall become a member [EXCEPT A JUDGE OF A
12 COURT OF RECORD IS ELIGIBLE FOR ACTIVE MEMBERSHIP] in the Alaska Bar.
13 All active and inactive members in good standing as of the effective
14 date of this Act shall be considered to be members.

15 (b) A person licensed to practice law in the state who, on the
16 effective date of this Act, is not enrolled on the membership rolls,
17 shall be reinstated as a member only in accordance with the Alaska Bar
18 Rules.

19 * Sec. 2. AS 08.08.030 is amended to read:

20 Sec. 08.08.030. GOVERNANCE OF THE ALASKA BAR. The Alaska Bar is
21 governed by the Board of Governors of the Alaska Bar. The board has the
22 powers and duties conferred by this chapter and by the Alaska Bar Rules.
23 Members of the board shall receive no salary.

24 * Sec. 3. AS 08.08.040 is amended to read:

25 Sec. 08.08.040. BOARD OF GOVERNORS OF THE ALASKA BAR. (a) There
26 is hereby constituted a Board of Governors of the Alaska Bar to be
27 elected under bylaws and regulations [RULES] promulgated by the board.

28 (b) The board consists of seven [NINE] active [PRACTICING] members
29 elected by the active members of the Alaska Bar, and two laypersons

1 appointed by the governor [FROM THE FOUR JUDICIAL DISTRICTS].

2 * Sec. 4. AS 08.08.050 is amended to read:

3 Sec. 08.08.050. SELECTION [ELECTION] OF THE BOARD. (a) Two
4 members of the board shall be elected by and from among the members of
5 the association resident in the first judicial district; two [FOUR]
6 members of the board shall be elected by and from among the members of
7 the association resident in the third judicial district; two members by
8 and from among the members of the association resident in the combined
9 area of the second and fourth judicial districts; [AND] one member at
10 large from the entire state; and two laypersons appointed by the gover-
11 nor from the entire state.

12 (b) Members of the Board of Governors shall hold office for three
13 years and until their successors are selected [ELECTED] and qualified.

14 (c) Three board members shall be selected [ELECTED] annually, on
15 the following triennial rotation:

16 (1) in the first year, one member at large and two members
17 from the third judicial district;

18 (2) in the second year, one member from the combined area of
19 the second and fourth judicial districts, one layperson appointed by the
20 governor [MEMBER FROM THE THIRD JUDICIAL DISTRICT], and one member from
21 the first judicial district; and

22 (3) in the third year, one member from the first judicial
23 district, one member from the combined area of the second and fourth ju-
24 dicial districts, and one layperson appointed by the governor [MEMBER
25 FROM THE THIRD JUDICIAL DISTRICT].

26 * Sec. 5. AS 08.08.080 is repealed and re-enacted to read:

27 Sec. 08.08.080. POWERS OF BOARD. (a) Except as may be otherwise
28 provided in the Alaska Bar Rules, the board may adopt reasonable pro-
29 visions

1 (1) concerning membership and the classification of member-
2 ship in the Alaska Bar;

3 (2) providing for employees of the Alaska Bar, the time,
4 place and method of their selection, and their respective powers,
5 duties, terms of office, and compensation;

6 (3) concerning annual and special meetings;

7 (4) concerning the collection, deposit, and disbursement of
8 membership and admission fees, penalties, and all other funds;

9 (5) providing for the organization and government of local
10 subdivisions of the Alaska Bar;

11 (6) providing for all other matters affecting in any way the
12 organization and functioning of the Alaska Bar.

13 (b) The board may

14 (1) approve and recommend to the state supreme court addi-
15 tional rules for promulgation by the court including rules concerning
16 admission and discipline and defining the practice of law;

17 (2) adopt reasonable bylaws and regulations consistent with
18 the Alaska Bar Rules;

19 (3) sue in the name of the Alaska Bar in a court of competent
20 jurisdiction to enjoin a person from doing an act constituting a viola-
21 tion of this chapter;

22 (4) fix the annual membership fee for active and inactive
23 members.

24 * Sec. 6. AS 08.08 is amended by adding a new section to read:

25 Sec. 08.08.085. ANNUAL REPORT TO LEGISLATURE. The Board of
26 Governors shall report annually to the legislature on all matters con-
27 cerning admissions, discipline of members, and disbarment proceedings,
28 except for those matters defined as confidential by court rule.

29 * Sec. 7. AS 08.08.090 is amended to read:

1 Sec. 08.08.090. POWER OF THE BAR TO MAKE OR CHANGE BYLAWS AND
2 REGULATIONS [RULES]. Any bylaw or regulation [RULE] adopted by the
3 Board of Governors [UNDER SEC. 80 OF THIS CHAPTER] may be modified, or
4 rescinded, or a new bylaw or regulation [RULE] may be adopted, by a vote
5 of the active members of the association under bylaws and regulations
6 [RULES] to be prescribed by the Board of Governors.

7 * Sec. 8. AS 08.08.100 is amended to read:

8 Sec. 08.08.100. ADMINISTRATIVE PROCEDURE ACT. The bylaws and
9 regulations [RULES] adopted by the board or the members of the Alaska
10 Bar under this chapter are not subject to the Administrative Procedure
11 Act.

12 * Sec. 9. AS 08.08.210 is amended to read:

13 Sec. 08.08.210. WHO MAY PRACTICE LAW. (a) No person may engage
14 in the [PRIVATE] practice of law in the state unless he is licensed to
15 practice law in Alaska and is an active member of the Alaska Bar. A
16 member of the bar in good standing in another jurisdiction may appear
17 in the courts of the state under the rules the supreme court [BOARD]
18 may prescribe.

19 (b) The practice of law shall be defined in the Alaska Bar Rules.

20 (c) This section and sec. 230 of this chapter do not apply to
21 employees of the legislature in the performance of their duties for the
22 legislature which do not involve appearance before the courts of this
23 state.

24 (d) Employees of the Department of Law whose activities would
25 constitute the practice of law under this chapter and under Alaska Bar
26 Rules are required to obtain a license to practice law in Alaska.

27 * Sec. 10. AS 08.08.230 is amended to read:

28 Sec. 08.08.230. UNLAWFUL PRACTICE A MISDEMEANOR. (a) Any person
29 not an active member of the Alaska Bar and not licensed to practice law

1 in Alaska who engages in the [PRIVATE] practice of law or represents
2 himself as entitled to engage in the [PRIVATE] practice of law as that
3 term is defined in the Alaska Bar Rules, or an active member of the
4 Alaska Bar who wilfully employs such a person knowing that such person
5 is engaging in the practice of law or representing himself to be
6 entitled to so engage [IN THE STATE OTHER THAN AS PERMITTED BY THIS
7 CHAPTER] is guilty of a misdemeanor and upon conviction is punishable by
8 a fine of not more than \$5,000 [\$1,000], or by imprisonment for not more
9 than one year, or by both.

10 (b) Nothing in this section prohibits the use of paralegal person-
11 nel as defined by rules of the Alaska Supreme Court.

12 * Sec. 11. AS 08.08.110 - 08.08.200, 08.08.240, and AS 44.62.330(a)(22)
13 are repealed.

14 * Sec. 12. AS 08.08 is amended by adding new sections to read:

15 Sec. 08.08.205. ELIGIBILITY TO TAKE BAR EXAMINATION. Applicants
16 who have not graduated from an accredited law school but are otherwise
17 qualified may take the bar examination if they have completed a clerk-
18 ship in the manner prescribed by sec. 207 of this chapter.

19 Sec. 08.08.207. STUDY OF LAW IN OFFICE OF PRACTICING ATTORNEY.

20 (a) A person who desires to study law in the office of a practicing
21 attorney in Alaska for the purpose of qualifying to take the bar exami-
22 nation, shall, before the commencement of his studies, file with the
23 clerk of the superior court in the district in which he resides, a
24 certificate stating his age, residence, preparatory education, the name
25 and residence of the person under whose direction he proposes to study
26 law, the date of the commencement of his studies and his employment as a
27 law clerk, together with a certificate of the person under whom the
28 studies are to be pursued substantiating the facts set out in the
29 certificate.

1 (b) A person qualifying to take the bar examination under this
2 section shall have three years of qualifying experience, at least one of
3 which shall be in a law school.

4 (c) If relationship of employer and employee should terminate be-
5 fore the student has completed the prescribed work and study, the
6 student may notify the board and the board may approve similar employ-
7 ment with another law office for the continuance or completion of the
8 prescribed work and study.

9 (d) As used in this section,

10 (1) "law school" means

11 (A) a law school accredited, approved or meeting the
12 standards of the Council of Legal Education of the American Bar
13 Association or the Association of American Law Schools; or

14 (B) a school in Alaska offering a course of study which
15 the supreme court approves as the equivalent to a year's study in a
16 law school under (A) of this paragraph;

17 (2) "year of qualified experience" means the successful com-
18 pletion of a full year of law school or 36 weeks of not less than 24
19 hours each in the performance of duties and studies in a law office.

20 * Sec. 13. Rule 2 of Part I of the Alaska Bar Rules is amended by adding
21 new sections to read:

22 Section 4. An applicant who meets the requirements of (a) and (c)
23 through (g) of Section 1 of this rule may qualify for admission if he
24 has completed a clerkship in the manner prescribed by Section 5 of this
25 rule.

26 Section 5. (a) A person who desires to study law in the office of
27 a practicing attorney in Alaska for the purpose of qualifying to take
28 the bar examination, shall, before the commencement of his studies, file
29 with the clerk of the superior court in the district in which he resides,

1 a certificate stating his age, residence, preparatory education, the
2 name and residence of the person under whose direction he proposes to
3 study law, the date of the commencement of his studies and his employ-
4 ment as a law clerk, together with a certificate of the person under
5 whom the studies are to be pursued substantiating the facts set out in
6 the certificate.

7 (b) A person qualifying to take the bar examination under this
8 rule shall have three years of qualifying experience, at least one of
9 which shall be in a law school.

10 (c) If relationship of employer and employee should terminate be-
11 fore the student has completed the prescribed work and study, the
12 student may notify the board and the board may approve similar employ-
13 ment with another law office for the continuance or completion of the
14 prescribed work and study.

15 (d) As used in this rule "law school" means

16 (1) a law school accredited, approved or meeting the stan-
17 dards of the Council of Legal Education of the American Bar Association
18 or the Association of American Law Schools; or

19 (2) a school in Alaska offering a course of study which the
20 supreme court approves as the equivalent to a year's study in a law
21 school under paragraph (1) of this section.

22 (e) As used in this rule "year of qualified experience" means the
23 successful completion of a full year of law school or 36 weeks of not
24 less than 24 hours each in the performance of duties and studies in a
25 law office.

26 * Sec. 14. The legislature declares that this Act is passed pursuant to
27 art. IV, secs. 1 and 15, Constitution of the State of Alaska, which empower
28 the legislature to prescribe the jurisdiction of the courts, and to change
29 the rules of court, and pursuant to the legislature's inherent power.